

P.E.R.C. NO. 2011-71

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY, DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent,

-and-

Docket No. CI-2006-022

GARY LIPSIUS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the recommendation of a Hearing Examiner to dismiss a Complaint in an unfair practice case filed by Gary Lipsius against the State of New Jersey Department of Environmental Protection. The charge alleges that the DEP violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. when it did not reclassify Lipsius as a Site Manager in retaliation for his participation in the filing of a federal class action lawsuit against his majority representative. The Commission rejects Lipsius' exceptions and adopts the Hearing Examiner's decision dismissing the Complaint concluding that Lipsius had not presented evidence that the DEP was hostile toward his protected activity.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 2011-72

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF BURLINGTON,

Petitioner,

-and-

PBA LOCAL 249,

Respondent.

Docket Nos. SN-2010-056  
SN-2010-057  
SN-2010-080

SYNOPSIS

The Public Employment Relations Commission grants the request of the County of Burlington for restraints of binding arbitration of grievances filed by PBA Local 249. The grievances challenge the County's methods used to verify sick leave. The Commission holds that the employer has a managerial prerogative to establish a sick leave verification policy. The Commission denies the request of the County for a restraint of binding arbitration of a grievance challenging the minor discipline issued to two officers. The Commission holds that minor discipline issued to law enforcement officers is legally arbitrable.

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P.E.R.C. NO. 2011-73

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF UNION CITY,

Petitioner,

-and-

Docket No. SN-2010-085

PATROLMEN'S BENEVOLENT ASSOCIATION,  
LOCAL 8,

Respondents.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Union City for a restraint of binding arbitration of a grievance filed by Patrolmen's Benevolent Association, Local 8. The grievance asserts that the City unilaterally increased prescription co-pays for retired employees. The Commission holds that a majority representative may seek to enforce a contract on behalf of retired employees in arbitration because it has a cognizable interest in ensuring that retired employees receive whatever retirement benefits were contracted for in the last agreement before retirement.

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P.E.R.C. NO. 2011-74

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION COUNTY PROSECUTOR'S OFFICE,

Petitioner,

-and-

Docket No. SN-2011-015

PBA LOCAL 250,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a proposal that the PBA Local 250 seeks to submit to binding interest arbitration for a successor agreement with the Union County Prosecutor's Office. The proposal provides that Detectives and Investigators will only be laid off in inverse departmental seniority order. The Commission holds that a public employer may not negotiate an agreement to layoff strictly by seniority when other factors such as special skills may be relevant.

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